



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER
GOVERNOR

Certified Mail: 7000 0600 0027 1155 2765

March 9, 2009

Mr. Steve Boyack
Assistant Director
Tuolumne County Environmental Health
20075 Cedar Road North
Sonora, California 95370

Dear Mr. Boyack:

The California Environmental Protection Agency (Cal/EPA) conducted a program evaluation of the Tuolumne County Environmental Health Certified Unified Program Agency (CUPA) on February 4, 2009. The evaluation was comprised of an in-office program review by the State evaluator. The evaluator completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of preliminary corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that Tuolumne County Environmental Health program performance is unsatisfactory with improvement needed. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA that depict your agency's progress towards correcting the identified deficiencies. Please submit your Deficiency Progress Reports to Kareem Taylor every 90 days after the evaluation date. The first deficiency progress report is due on May 5, 2009.

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

[Original Signed by Jim Bohon for]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

Mr. Steve Boyack
Page 2
March 9, 2009

cc: Sent via email:

Ms. Sheilah Lillie
Environmental Health Specialist
Tuolumne County Environmental Health
2 South Green Street
Sonora, California 95370

Mr. Kevin Graves
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Ms. Terry Brazell
State Water Resources Control Board
P.O. Box 944212
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Mr. Charles McLaughlin
Department of Toxic Substances Control
8800 Cal Center Drive
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Ms. Asha Arora
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
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Mr. Ben Ho
Office of the State Fire Marshal
P.O. Box 944246
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Mr. Brian Abeel
Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, California 95655



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Enclosure



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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: Tuolumne County Environmental Health

Evaluation Date: February 4, 2009

EVALUATION TEAM

Cal/EPA: Kareem Taylor

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Kareem Taylor at (916) 327-9557.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	The CUPA is not billing its CalARP facilities the CUPA Oversight surcharge of \$24. The CalARP surcharge is billed and collected regularly. CCR, Title 27, Section 15250 (Cal/EPA)	By May 4, 2009, the CUPA will modify its billing system to include the CUPA Oversight surcharge along with the CalARP surcharge.
2	The CUPA did not complete its fiscal year (FY) 2006/2007 self audit. The FY 2007/2008 self audit was completed and included all of the required elements. CCR, Title 27, Section 15280 (Cal/EPA)	In subsequent FYs, the CUPA will complete a self audit of its program by September 30 of each year. No further action is required to correct this deficiency.
3	The CUPA is not conducting Hazardous Waste Generator (HWG) inspections with a frequency that is consistent with its Inspection and Enforcement Plan. Specifically, the CUPA did not meet its scheduled HWG inspection frequency of one inspection every three years. The Annual Inspection Summary Reports show the following: <ul style="list-style-type: none"> • In FY 07/08, the CUPA performed 11% or 15 out of 141 HWG routine inspections. • In FY 06/07, the CUPA performed 35% or 49 out of 140 HWG routine inspections. • In FY 05/06, the CUPA did not perform any HWG routine inspections. 	By February 10, 2010 the CUPA will inspect at least one third of its HWG facilities. On the CUPA's first progress report, develop an action plan that details how the CUPA plans to inspect all HWG facilities once every three years.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

	CCR, Title 27, Section 15200 (a) (3) (Cal/EPA)	
4	<p>The CUPA is not meeting the mandated inspection frequency for the business plan (BP) program of one inspection every three years. The Annual Inspection Summary Reports show the following:</p> <ul style="list-style-type: none"> • In FY 07/08, the CUPA performed 10% or 25 out of 248 BP routine inspections. • In FY 06/07, the CUPA performed 25% or 62 out of 250 BP routine inspections. • In FY 05/06, the CUPA performed 6% or 15 out of 251 BP routine inspections. <p>CCR, Title 27, Section 15200 (a) (2) (Cal/EPA)</p>	<p>By February 10, 2010 the CUPA will inspect at least one third of its BP facilities.</p> <p>On the CUPA's first progress report, develop an action plan that details how the CUPA plans to inspect all BP facilities once every three years.</p>
5	<p>The CUPA is not meeting the mandated inspection frequency for the Tiered Permitting (TP) program of one inspection every three years. The Annual Inspection Summary Reports show that no inspections were performed for the TP program.</p> <p>CCR, Title 27, Section 15200 (a) (2) (Cal/EPA)</p>	<p>By February 10, 2010 the CUPA will inspect all of its TP facilities.</p> <p>On the CUPA's first progress report, develop an action plan that details how the CUPA plans to inspect all TP facilities once every three years.</p>
6	<p>In some cases, the CUPA is not following-up and/or documenting return to compliance (RTC) for businesses cited for violations in their inspection reports and notices of violation. Out of 19 files reviewed by Cal/EPA, 5 files either did not contain documentation of RTC or CUPA follow-up documentation did not contain sufficient detail to determine if all cited violations have been corrected. Below are some examples of businesses cited for violations, but documentation of RTC was either insufficient or not found:</p> <ul style="list-style-type: none"> • Durnall and Campora Propane – no inspection date was found • Sonora Auto and Truck Dismantling – inspected 7-30-08 • Pat's Machine and Welding – inspected 10-23-03 <p>Documenting facility RTC and CUPA follow-up actions is required as part of the CUPA's implementation of its I and E plan. In addition, this information is required for the CUPA's Annual Summary Reports.</p> <p>HSC, Chapter 6.11, Section 25404.1.2 (c) (Cal/EPA) CCR, Title 27, Section 15200 (a) CCR, Title 27, Section 15185 (a) and (c)</p>	<p>By May 4, 2009, the CUPA will follow-up with businesses cited for violations and document RTC actions. In addition, the CUPA will include the disposition of all previously cited violations (corrected or not) in the reinspection reports.</p> <p>On the CUPA's first progress report, the CUPA will submit to Cal/EPA an action plan as to how it will promote consistency in its follow-up actions.</p>
7	<p>The CUPA is not collecting, retaining, and managing violation classification information in their SWEEPS database or in any hardcopy format. To complete the</p>	<p>The CUPA will collect violation information in the Envision database once it is operational. The CUPA</p>

Certified Unified Program Agency (CUPA)

Evaluation Summary of Findings

	<p>Annual Summary Reports, CUPA staff must search through each facility file by hand to determine violation classifications. The inspection reports do not contain violation classifications. The CUPA is currently transitioning their data management system from SWEEPS to Envision. The Envision application will collect violation information.</p> <p>CCR, Title 27, Section 15185 (a) and (c)</p>	<p>expects to have Envision within a few months.</p> <p>By May 4, 2009, the CUPA will collect, retain, and manage violation classification information.</p> <p>On the CUPA's first progress report, the CUPA will submit to Cal/EPA an update on the database transition process.</p>
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CUPA Representative

Kenneth Stuart
(Print Name)

Original Signed
(Signature)

Evaluation Team Leader

Kareem Taylor
(Print Name)

Original Signed
(Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

- 1. Observation:** Due to the problems the CUPA has experienced with succession, Tuolumne County Environmental Health CUPA has not been implemented effectively for the past three FYs. The CUPA has training records, but does not have a well-defined training program for new inspectors. Also, due to the nature of some the deficiencies, it appears that CUPA inspectors are not adequately trained in the Tiered Permitting program or in classifying violations.

Recommendation: Cal/EPA recommends that the CUPA develop a training curriculum for new inspectors. In addition, the CUPA may receive training in the Tiered Permitting program and in violation classification offered by DTSC. Asha Arora with DTSC has more information on the training. She can be reached at 510-540-3874 or by email at aarora@DTSC.ca.gov.

- 2. Observation:** The CUPA does not classify violations as Class 1, Class 2, or minor on its inspection reports.

Recommendation: Cal/EPA recommends that the CUPA begin classifying violations as Class 1, Class 2, or minor on its inspection reports. The classification information may then be transferred to the CUPA's data management system and completion of future Annual Summary Reports can be expedited more effectively.

- 3. Observation:** Cal/EPA verified that the CUPA has corrected many of its deficiencies cited during the 2006 evaluation. Although, there are significant deficiencies cited in this evaluation process (2009), Cal/EPA feels that the CUPA is working diligently to build an effective program. The CUPA is fully staffed and it is expected that the deficiencies cited will be corrected within a year.

Recommendation: none